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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.M.C. 7594/2025, CRL.M.A. 31801/2025, CRL.M.A. 31802/2025 & CRL.M.A. 31803/2025

DIRECTORATE OF ENFORCEMENT .....Petitioner

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Panel Counsel, Mr. Kartik Sabharwal, Mr. Pranjal Tripathi, Mr. Rishbah Shukla, Advocates

versus

M/S ADVANTAGE INDIA AND OTHERS .....Respondents

Through: Mr. Tanveer Ahmed Mir, Senior Advocate with Ms. Ariana Ahluwalia, Advocate for R-1 & 2
Mr. Vaibhav Suri, Advocate for R-6 & 7

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **29.10.2025**

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (corresponding to Section 482 of the Code of Criminal Procedure, 1973[2]) assails orders dated 10th October, 2025, 01st September, 2025 and 08th August, 2025, passed by the Special Judge (PC Act) CBI-21, Rouse Avenue Court Complex, New Delhi in CC No. 19/2020 titled ***ED vs. M/s Advantage India***. The grievance is that the Special Court has, in

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[1] "BNSS"
[2] "CrPC"

substance, imposed rigid timelines for concluding further investigation by the Directorate of Enforcement[3].

2. The genesis is the predicate offence in FIR No. RC-DAI-2017-A-A0036 dated 16th November, 2017, registered by the Central Bureau of Investigation[4] at P.S. Anti-Corruption Branch, New Delhi, under Sections 33, 35, and 37 of the Foreign Contribution Regulation Act, 2010[5], and Sections 120B, 199, 468, 471, 511, and 417 of the Indian Penal Code, 1860[6]. CBI filed the first charge sheet on 6th March, 2020, and, later, three supplementary charge-sheets on 26th June, 2025.

3. In parallel, Directorate of Enforcement recorded an ECIR bearing No. ECIR/HQ/19/2017 on 4th December, 2017, and filed a prosecution complaint under Sections 44 and 45 of the Prevention of Money Laundering Act, 2002[7] on 15th February, 2020. The ED submits that a "further investigation" became necessary following the CBI's supplementary charge-sheets filed in June 2025, which arraigned ten additional accused.

4. ED also contends that it is pursuing further investigation, but that the Special Court's direction to "conclude" the same within short, inflexible periods is unsupported by any statutory provision. In this context, the following portions of the impugned orders become relevant:

> ***Order dated 10th October, 2025***
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> *"Sh.Zoheb Hosain, Sh.Manish Jain and Sh. N.K. Matta, ld. SPPs for ED have elaborated the steps taken in the investigation of the IO since 01.09.2025.* ***This court without going into the details and efficacies of the steps taken in the investigation, on the request of ld. SPPs***

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[3] "ED"
[4] "CBI"
[5] "FCRA"
[6] "IPC"
[7] "PMLA"

appearing for ED is giving four weeks time to conclude the investigation. *This is being taken on record in the light of submissions made by Sh.Vaibhav Suri, Advocate appearing for A-1 and A-2 that now the investigation of ED is unnecessarily lingering on, needs to be monitored. Therefore needless to mention that investigating officer would give specific detail of the additional steps taken in the investigation and this court would examine whether they would be legally required or not even after filing of supplementary charge sheet by the CBI.*

*Put up this matter on **11.11.2025**."*

Order dated 01st September, 2025

"An application seeking exemption from personal appearance has been moved on behalf of A-2. Heard. Perused. In view of the reasons stated in the application, A-2 is exempted from his personal appearance only for today.

Status Report has been filed by the IO Sh. Pawan Kumar Yadav. Sh. Zoheb Hussain, Ld. SPP for ED appearing through VC has submitted that investigation of ED though has substantially completed, however, since the supplementary charge-sheet of the CBI has been filed only in June 2025, ED has to examine the implication of the facts mentioned in the supplementary charge-sheets on the question of proceeds of crime. He further submits that since some of the supplementary chargesheets has been filed before the Court of Ld. ACJM, an application under Section 44 (1) (c) of PMLA has already been filed before that Court, same is yet to be disposed off and those supplementary charge-sheets has yet to be transferred to this Court in view of the above said section of PMLA.

Sh. Tanveer Ahmed Mir, Ld. Sr. Adv., however, opposed the prayer for more time to be given to ED on the ground that ED as per the provisions of Law under the amended provisions of PMLA has to conduct investigation with regard to proceeds of crime, independent of investigation of Investigating agency in scheduled offence.

This Court agreed with the submissions of Ld. Sr. Advocate. There cannot be any reason for delaying the proceedings only for the reason that supplementary charge-sheet has been filed recently by the CBI. Since the ED has to carry out its investigation regarding proceeds of crime independently. In that process, if at all, the copy of supplementary chargesheet is required or not, it is for the Investigating Officer for ED to decide without unnecessary delay. This cannot be legal reason to give more time for concluding the investigation. ***As such, last opportunity is given for concluding the***

investigation in terms of directions already given by order dt. 08.08.2025.

*Ld. ACJM, in whose Court, the supplementary charge-sheets are pending and are required to be transferred in terms of Section 44 (1)(c) of PMLA Act is also directed to transfer those files within two weeks from today. Put up this matter for report as to the conclusion of investigation on **10.10.2025**."*

Order dated 08th August, 2025

*"**IA No. 09/2025***

Matter is listed for disposal of application u/s 8(8) of PMLA. It is submitted by Ms. Richa Mishra, Ld. Counsel for SBI / applicant that an order dt. 29.5.2025 was passed by the Hon'ble High Court of Delhi in two writ petitions bearing Nos. 5996/2021 and 8969/2021.

In view of the fact that said order has been passed on account of parties having settled the matter on certain terms and under those terms SBI has been given liberty by ED for auction of the relevant property i.e., B-16, Westend, New Delhi by the bank for recovery of the mortgaged amount. In view of the such order, the present application u/s 8(8) of PMLA stands disposed off being in-fructuous.

*There is no clarity in writing regarding the status of investigation. It be noted that CBI had already concluded its investigation. **Needless to mention that ED is required to conclude the investigation and give the report in this regard by next date of hearing.***

*Put up this matter on **01.09.2025** with the connected CBI matter."*

[Emphasis Supplied]

5. Mr. Zoheb Hossain, Special Counsel for the Directorate of Enforcement, explains that further investigation became necessary in light of three supplementary charge sheets filed by the CBI on 26th June, 2025, arraigning ten additional accused. Copies of those supplementary charge sheets, running into 16,204 pages and comprising 316 relied-upon documents, were supplied to the ED only on 22nd September 2025. Mr. Hossain submits that the ensuing inquiry concerns identification,

quantification and tracing of "proceeds of crime" *vis-à-vis* the newly surfaced material and individuals, which in turn requires issuing summons, procuring bank and third-party records, conducting forensic reconciliation, and examining money trails. He points out that periodic status reports have been filed before the Special Court detailing the steps taken. He adds that while expedition may rightly be insisted upon, a peremptory "hard stop" is not anchored in statute: neither PML nor BNSS contemplates an inflexible court-fixed deadline for completion of investigation, and the court's role is supervisory, rather than to prescribe a rigid cut-off date.

6. On the other hand, Mr. Tanveer Ahmed Mir, Senior Counsel for Respondents No. 1 and 2, submits that the Special Court is within its powers to monitor the progress of investigation and ensure that the matter does not remain pending indefinitely. It is urged that all the additional accused named in the supplementary charge-sheets filed by the CBI have already been investigated by ED. The prosecution complaint was filed as far back as 15th February, 2020, and the investigation cannot be permitted to continue endlessly on the pretext of being ongoing. The directions under challenge, he says, were issued to prevent avoidable delay and to move the matter towards a defined conclusion, and therefore do not call for any interference.

7. Mr. Vaibhav Suri, for Respondents No. 6 and 7, adopts a narrower construction of the directions passed in the impugned orders. In his reading, the Special Court did not impose an inflexible deadline that would vitiate the investigation if missed; rather, it required the ED to place details of the additional steps taken, with a view to assessing necessity and proportionality in light of what already stands on record.

8. The Court has considered the aforenoted contentions. On a pointed

query, no Respondent has identified any statutory provision that Special Court to impose a rigid deadline for completing an investigation under PMLA. The scheme of the CrPC, read with the PMLA, contemplates "further investigation" where warranted by fresh material [Section 173(8) CrPC as attracted by Section 65 PMLA], without prescribing a definite timeline. Complex financial probes often unfold in tranches and may legitimately require additional time.

9. That said, a Special Court is not powerless. It may call for periodic status reports, seek particulars of steps taken, and require an explanation for delay so as to secure expedition and fairness. Such supervisory powers must be exercised within the limits of the Court's jurisdiction and not by imposing deadlines unsupported by law. The ED's investigative autonomy is intact; the Special Court cannot micromanage the manner of investigation, though it may supervise to the extent of securing expedition and fairness. The impugned orders must therefore be read as expressions of judicial concern over apparent delay and as directions intended to ensure that any further investigation is concluded within a reasonable time. To the extent that the strict timelines contained in the impugned orders for completion of the investigation are imposed without any statutory foundation, they cannot be sustained and are, accordingly, set aside.

10. Mr. Zoheb Hossain states that the agency is proceeding with diligence and that delay stems largely from factors beyond its control, including non-compliance with summons by the ten additional accused. In that backdrop, continued judicial monitoring is apposite, but it must be facilitative rather than punitive. Special Court may consider appropriate process in law upon a reasoned request by ED, while avoiding any direction that trenches upon the

manner or line of investigation. These reports shall be used to ensure expedition and accountability, not to predetermine investigative outcomes. The Special Court will remain at liberty to pass further orders, including calibrated extensions or proportionate coercive process where warranted, in light of the above discussion.

11. With the above directions, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

OCTOBER 29, 2025/ab